

UNITED STATES DISTRICT COURT
 for the
 Southern District of Ohio

United States of America

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v.

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Rico Deshawn HEAD, Jr.

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Case No.

2:19-mj-324

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 20, 2018 in the county of Franklin in the
Southern District of Ohio, the defendant(s) violated:

*Code Section**Offense Description*

18 USC 1951

Hobbs Act violation: Interference with Interstate Commerce by Robbery

18 USC 924(c)(1)(A)(ii)

Brandishing a Firearm During a Crime of Violence

18 USC 371

Conspiracy

This criminal complaint is based on these facts:

See Attached Affidavit

Continued on the attached sheet.

*Complainant's signature*ATF Task Force Officer Brian V. Boesch*Printed name and title*

Sworn to before me and signed in my presence.

Date: 4-23-19

*Judge's signature*City and state: Columbus, OH

Magistrate Judge Chelsey M. Vascura

Printed name and title

I, Brian V. Boesch, a Task Force Officer (TFO) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), hereinafter the affiant, being duly sworn, states:

1. On November 20, 2018, at 2:28pm, two males entered the Lion's Den store located at 4315 Kimberly Parkway, Columbus, OH. Both suspects had their hoods pulled up and their faces concealed.
2. The suspects approached Denise Clayborn, who was working behind the counter, and demanded money from the cash register. When Ms. Clayborn told them there was no money in the register, one of the suspects pulled a handgun from his waistband and demanded the money again.
3. Ms. Clayborn opened the register and stepped back away from it. The suspect with the gun demanded Ms. Clayborn hand him the money from the register. She refused. The suspect then walked around the counter and took the money from the register. Both suspects then fled in a distinctive green Monte Carlo.
4. Officers Aaron Williams and Jonathan Thomas quickly responded to the Lion's Den and watched the surveillance video. They observed the green Monte Carlo pull up and a white male get out of the car. The white male let the armed suspect out of the back seat. The officers took a photo of the car on their cell phones and sent it to other officers that were working that day.
5. At approximately 3:30pm, the officers observed the Monte Carlo at Kimberly Parkway and Canal Bay Way and made an investigatory stop of the car. The male white driver matched the driver that let the armed suspect out of the back of the car just prior to the robbery.
6. CPD Robbery Detective Brett Laird requested the driver, Nicholas Morlen, be transported to Columbus Police Headquarters for an interview. Mr. Morlen denied he knew that the two occupants robbed the Lion's Den, or that they were planning to rob it. However, Mr. Morlen identified the two suspects as Eric WHATLEY (armed suspect) and Rico HEAD, Jr. Mr. Morlen provided a written statement.
7. Detective Bryan Williams created a photo array containing a photo of WHATLEY, which was presented to Ms. Clayborn. She positively identified WHATLEY as the suspect with the gun. She did not identify HEAD from a photo array created using HEAD's photo.
8. On January 22, 2019, Detectives Laird and Johnson conducted a custodial interview of WHATLEY at the Franklin County Jail. WHATLEY denied committing the robbery, but stated he was with HEAD that day and over at HEAD's girlfriend's house.
9. On January 28, 2019, Detectives Laird and Johnson conducted a custodial interview of HEAD at the Franklin County Jail. During the interview, HEAD confessed his role in the robbery and denied possessing or brandishing a firearm during the robbery. He told the detectives, "I fucked up. Excuse my language. I fucked up. I got caught up in a bad situation." Detective Laird mentioned to HEAD that the clerk (Ms. Clayborn) was a tough cookie. HEAD responded, "Yeah, she was."

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10. Lion's Den was established in 1971 in Columbus, OH. The business sells adult novelty products, videos, sexual enhancement products and clothing. The items are manufactured and shipped across the United States and internationally to their store locations. Lion's Den currently has over 45 locations across the nation. They accept credit cards as payment, which is transferred across state lines.
11. Based on the above facts, your affiant respectfully requests an arrest warrant be issued for Rico D. HEAD, Jr. for violations of the following statutes:

18 U.S.C. § 371 – Conspiracy

18 U.S.C. § 1951 – Hobbs Act - Interference with Interstate Commerce by Robbery

18 U.S.C. § 924(c)(1)(A) – Brandish a Firearm During a Crime of Violence



The signature is handwritten in blue ink. It reads "Brian V. Boesch" followed by "TFO" and "6551".

Signature of Complainant
Task Force Officer (TFO) Brian V. Boesch

Sworn to before me and subscribed in my presence,

April 23, 2019, at Columbus, OH



The signature is handwritten in blue ink and appears to read "W Vascura".

Chelsey M. Vascura
United States Magistrate Judge, Southern District of Ohio